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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Magistrate's Case No.: **07MJ8886**  
 )  
Plaintiff, ) COMPLAINT FOR VIOLATION OF  
 )  
v. ) Title 21, U.S.C., § 841(a)(1)  
 ) Possession with Intent to  
10 Frank WINKELMAN, ) Distribute (Felony)  
 )  
11 Defendant. ) **AMENDED**

The undersigned complainant being duly sworn states:

That on or about October 27, 2007, within the Southern District of California, defendant Frank WINKELMAN did knowingly and intentionally possess, with intent to distribute approximately 56.38 kilograms (124.3 pounds) of marijuana, Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

  
MICHAEL DOCKERY, SPECIAL AGENT  
Drug Enforcement Administration

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29<sup>TH</sup> DAY  
OF OCTOBER, 2007.

  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**

2 **v**  
3 **Frank WINKELMAN**

4 **STATEMENT OF FACTS**

5 I, Special Agent Michael Dockery, declare under penalty of perjury, the following is  
6 true and correct to the best of my knowledge:

7 On October 27, 2007, at approximately 4:00AM, United States Border Patrol Agent  
8 (USBPA) G. Armendariz was performing his official duties near the AA Canal on  
9 Sidewinder Road. At that time, USBPA Armendariz observed a Jeep, later identified as  
10 driven by Frank WINKELMAN, parked near the AA Canal on Sidewinder Road. USBPA  
11 Armendariz contacted WINKELMAN as WINKELMAN sat slouched in the drivers seat of  
12 the Jeep. WINKELMAN said he was waiting for a friend and then asked if there were any  
13 camping locations nearby. A few minutes after USBPA Armendariz left the area, Ground  
14 surveillance Radar operator K. Johnson observed three subjects with "bundles" run down  
15 the nearby hill toward WINKELMAN's Jeep. USBPA subsequently stopped the Jeep for  
16 the above suspicious behavior and discovered nine plastic wrapped brick like packets  
17 emitting the smell of marijuana, and a loaded Ruger 9mm semi-automatic handgun.

18 A total of nine bundles were discovered within the rear seat of the vehicle. DEA  
19 Special Agent Michael Dockery probed one of the bundles which field tested positive for  
20 marijuana. A total of 56.38 kilograms (124.33 pounds) of marijuana was found.

21 DEA Special Agents Dockery and Jeffrey Butler were called and responded to the  
22 location. SA Butler, as witnessed by SA Dockery advised WINKELMAN of his Miranda  
23 warnings. WINKELMAN stated he understood and agreed to answer questions.

24 WINKELMAN stated he was offered some quick money from an unknown third  
25 party. WINKELMAN admitted the Ruger handgun found in the vehicle was his.  
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1 WINKELMAN additionally stated, "I made a stupid choice."  
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